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Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
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Amendment of Part 2 of the Commission's )  
Rules to Allocate Spectrum Below 3 GHz )  
for Mobile and Fixed Services to Support )  
the Introduction of New Advanced )  
Wireless Services, including Third )  
Generation Wireless Systems )

ET Docket No. 00-258

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**COMMENTS OF SKYCABLE TV OF MADISON, LLC**

SkyCable TV of Madison, LLC ("SkyCable"), by its attorneys, is filing these Comments opposing reallocation by the Federal Communications Commission ("Commission") of the 2500-2690 MHz spectrum for advanced wireless services, including Third Generation ("3G") mobile services. On January 5, 2001, the Commission released a *Notice of Proposed Rulemaking and Order* ("NPRM"), and requested that interested parties comment on the possible use and reallocation of certain frequency bands below 3 GHz for new advanced wireless services, including 3G wireless systems. NPRM at ¶ 1. Among the bands being considered for reallocation by the Commission is the 2500-2690 MHz band, which is currently allocated for fixed broadband wireless services, specifically the Multipoint Distribution Service ("MDS") and the Instructional Television Fixed Service ("ITFS").

SkyCable opposes reallocation of any portion of the 2500-2690 MHz band for 3G services. SkyCable, like many other wireless broadband operators in the country, needs the entire spectrum for the digital high-speed wireless broadband services it is developing for the Madison, Wisconsin market. Reallocation of any portion of the spectrum will hinder development of SkyCable's digital

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high-speed wireless broadband services and prevent SkyCable from providing competition to current wireline providers.

## **I. The SkyCable System**

SkyCable is a wireless broadband operator in the Madison, Wisconsin market and has been providing wireless cable services to subscribers since 1987. Currently, SkyCable provides a competitive video service to almost 6000 subscribers and expects the number of subscribers to increase substantially once it adds digital high-speed wireless broadband services to its system. In addition to holding licenses for four MDS Stations, and leasing another MDS Station in the market, SkyCable has forged alliances with the State of Wisconsin - Educational Communications Board ("WECB")<sup>1</sup> and Madison Area Technical College ("MATC") which hold ITFS licenses in the market. By combining this ITFS spectrum with the MDS spectrum, SkyCable has been able to develop and operate a successful wireless cable system which provides residents in the Madison area with a viable alternative to the wireline cable operator. In addition to the commercial programming which SkyCable provides to its subscribers on the system, SkyCable has been able to offer educational programming currently provided by WECB and MATC to its subscribers. SkyCable is now poised to move ahead with its plans to offer digital high-speed wireless broadband services.

The Commission's recent revision of its rules now allows digital two-way technology on MDS and ITFS spectrum.<sup>2</sup> As a result of these changes, SkyCable saw an opportunity to provide much needed competition to the cable and DSL providers in the Madison market by offering digital high-speed wireless broadband services to residents. By utilizing the MDS and ITFS spectrum in

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<sup>1</sup> The WECB is part of the University of Wisconsin and holds the ITFS licenses for the University.

<sup>2</sup> The Commission approved the use of the band for Two-Way transmissions in 1998. *See Two-Way Order*, 13 FCC Rcd 19112 (1998), recon., 14 FCC Rcd 12764 (1999), *further recon.*, FCC 00-244 (released July 21, 2000). The first Two-Way Filing Window occurred August 14-18, 2000 ("Two-Way Filing Window").

the market, SkyCable believes it can launch a competitive high-speed Internet access service. With this in mind, SkyCable entered into a lease agreement with Sprint Corporation (“Sprint”) whereby SkyCable is leasing the MDS-1 and 2A stations from Sprint.<sup>3</sup> Those MDS-1 and 2A stations will be utilized for upstream data transmission while the MDS and ITFS stations will be utilized for downstream transmissions.<sup>4</sup> At the request of SkyCable, Sprint filed applications for two-way facilities on the MDS-1 and 2A stations during the Commission’s August 2000 Two-Way Filing Window. The authorizations for these two-way facilities should become effective in early April 2001. SkyCable expects to begin constructing these two-way facilities shortly after the grants and hopes to begin offering digital two-way wireless broadband services by the end of the year. However, SkyCable’s plans for launching such services will be devastated if the Commission reallocates any portion of the 2500-2690 MHz spectrum.

## **II SkyCable Provides Much Needed Competition In The Market.**

SkyCable needs the entire 2500-2690 MHz spectrum available to it in order to successfully launch a competitive digital high-speed wireless broadband service in the Madison market while continuing to provide its subscribers and ITFS partners with the range of services they have come to expect over the last 14 years. Since launching its system, SkyCable has provided residents in the Madison area with viable alternatives to service from the wireline cable provider. SkyCable is now ready to expand its services to include digital high-speed wireless broadband services thereby providing a competitive option to residents now served only by wireline providers. SkyCable will

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<sup>3</sup> The MDS-1 and 2A stations are licensed to PCTV Gold, Inc. pursuant to its BTA authorization for Madison, Wisconsin. PCTV Gold, Inc. was acquired by Sprint.

<sup>4</sup> In the NPRM, the Commission proposes relocating incumbent users in the 2160-2165 MHz band so that the band can be designated for the provision of advanced mobile and fixed services. Id. at ¶ 52. SkyCable opposes this proposal. The MDS-2A channel is located in the 2160-2165 MHz band and, as discussed herein, will be an integral part of SkyCable’s digital high-speed wireless broadband system. Relocation of the channel would devastate SkyCable’s planned system.

be giving business and residential customers another option for obtaining services.

In addition to its commercial applications, SkyCable believes it can offer its educational partners additional services, such as Internet activity and specialized video applications, that they can utilize for serving their students and the Madison community at large. WECB and MATC will be able to offer expanded educational opportunities, such as distance learning, to residents in and around Madison. However, these expanded educational opportunities cannot be realized if the Commission reallocates any portion of the 2500-2690 MHz spectrum.

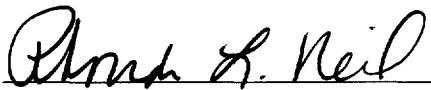
The ITFS channels must remain in the present band, contiguous to the MDS channels. If any of the ITFS spectrum is reallocated to another band, it would no longer be technically compatible with the MDS spectrum and could not be utilized by SkyCable for its proposed digital high-speed wireless broadband service. In addition to depriving Madison residents of a competitive service, SkyCable's educational partners will lose out on numerous educational opportunities if the ITFS spectrum is reallocated SkyCable would lose much needed spectrum for its proposed system. Such a reallocation could also result in the demise of SkyCable's system thereby eliminating a long-standing competitor to the wireline providers in the Madison market. Such a result is plainly contrary to the goals of the Commission in promoting advanced wireless services.

### **III. Conclusion**

SkyCable opposes any reallocation of any portion of the 2500-2690 MHz band for advanced wireless services. SkyCable requires all of the available spectrum in the band to launch its digital high-speed wireless broadband services in the Madison market. Without this full band, SkyCable's expanded services and the very future of its system would be jeopardized.

Respectfully submitted,

**SKYCABLE TV OF MADISON, LLC**

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